

DATE

Michael Newman
2800 Youree Dr, Ste 310
Shreveport, LA 71104

Re: Ethics Board Docket No. 2016-010

Dear Mr. Newman:

The Louisiana Board of Ethics, at its February 19, 2016 meeting, considered your request for an advisory opinion regarding whether you can enter into certain transactions while you serve as an appointed member of the Shreveport Metropolitan Planning Commission (Planning Commission). The Planning Commission is charged with consideration of zoning requests, site plan approvals and long-range planning projects in the Shreveport metropolitan area. You stated that you are the President of the architectural firm of Newman Marchive Carlisle, Inc. (Firm) of which you own a 66% interest. You also stated that the Firm has several ongoing architectural contracts with the Caddo Parish Commission and some smaller environmental consulting projects with the City of Shreveport. You explained that the Planning Commission has no role in approving or administering the architectural or environmental contracts. However, some of the projects for which the contracts are granted may require Planning Commission approvals for variances or site plan approvals. Finally, you stated that the Firm occasionally represents clients in presenting projects before the Planning Commission.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you and the Firm from being involved with a project that is, or will be, the subject of action by the Planning Commission, at a time when you serve as member of the Planning Commission. La. R.S. 42:1113B prohibits an appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction that is under the supervision or jurisdiction of his agency. Since you own a 66% interest in the Firm, you and the Firm would be prohibited from being involved with a project that is, or will be, the subject of action by the Planning Commission, at a time when you serve as a member of the Planning Commission.

The Board further concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you and the Firm from rendering compensated services to or for any person that has a project pending before the Planning Commission, at a time when you serve as member of the Planning Commission. La. R.S. 42:1111C(2)(d) prohibits a public servant, or legal entity in which he exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person that conducts operations or activities which are regulated by his agency or has substantial economic interests which may be substantially affected by the performance or nonperformance of his official duty. The Planning Commission is charged with consideration of zoning requests, site plan approvals and long-range planning projects in the Shreveport metropolitan area. Therefore, you and the Firm would be prohibited from rendering compensated services to or for any person that has a project pending before the Planning Commission, at a time when you serve as a member of the Planning Commission.

The Board further concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you and the Firm from receiving compensation for assisting a person in a transaction, or an appearance in connection with a transaction, with the Planning Commission, at a time when you serve as member of the Planning Commission. La. R.S. 42:1111E prohibits a public servant, and a legal entity of which he is an officer, director, trustee, partner, or employee, or in which he has a substantial economic interest, from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with his agency.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Vivian Haley Williams
For the Board